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17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 IN RE: UBER TECHNOLOGIES, INC.,  
21 PASSENGER SEXUAL ASSAULT  
22 LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,  
INC., RASIER, LLC, AND RASIER-CA,  
LLC'S BRIEF IN SUPPORT OF MARCH  
24 – MAY 7, 2025 PRIVILEGE LOGS  
PURSUANT TO SPECIAL MASTER  
ORDER NO. 4, § I(c)**

23 This Document Relates to:  
24  
25 ALL ACTIONS

26 Pursuant to Special Master Order No. 4, § I(c) (Dkt. 2933), Defendants submit this brief in  
27 support of their position on the remaining privilege claims challenged by Plaintiffs from Defendants'  
28 privilege logs issued between March 24 – May 7, 2025. During this time period, Plaintiffs challenged

1 more than 1,500 documents included in these logs. Plaintiffs submitted their final list of challenges  
 2 for this set on May 30. Their list included challenges to 1,131 documents. Of these documents,  
 3 Plaintiffs have since agreed to withdraw seven challenges and have agreed to continue conferral on  
 4 two challenges.<sup>1</sup> The remaining 1,122 challenges are now submitted for the Special Master's review.

5 Nevertheless, the Special Master has ample grounds on which to affirm Defendants' remaining  
 6 privilege claims. Defendants incorporate by reference the legal standard and arguments set forth in  
 7 their prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As explained more fully in the prior  
 8 briefs, the applicable legal standard, and the factual material previously provided to the Special  
 9 Master,<sup>2</sup> when reviewed in conjunction with the challenged documents and the associated metadata  
 10 fields, support Uber's privilege and work product assertions. The prior briefing and declarations  
 11 provide important factual context on recurring topics, including:

12 ***Legal Analysis and Advice Regarding a Proposed Rider Safety Program***

13 In his May 13, 2025, declaration, Daniel Kolta, Uber's Legal Director, Global Safety,  
 14 explained how the legal department undertook an investigation and analysis concerning the legal risks,  
 15 including the potential legal costs, regarding a proposed rider safety program. *See* Kolta Decl., Dkt.  
 16 2985-3. The resulting legal analysis, advice, and conclusions are reflected in certain documents at  
 17 issue in this set of challenges. *See, e.g.,* JCCP\_MDL\_PRIVLOG080222,  
 18 JCCP\_MDL\_PRIVLOG080518, JCCP\_MDL\_PRIVLOG090330, and  
 19 JCCP\_MDL\_PRIVLOG090331. That advice and analysis, including those addressing legal costs, are  
 20 privileged and work-product protected. *See, e.g., Green v. Baca*, 226 F.R.D. 624, 652 (C.D. Cal. 2005)

21 \_\_\_\_\_  
 22 <sup>1</sup> As part of the parties' ongoing conferral on privilege and other discovery disputes, the parties have agreed  
 23 that certain documents identified by June 16 that show information reflecting insurance loss or reserve amounts,  
 24 settlement amounts, or loss runs will presumptively not be challenged, but will be the subject of further  
 25 conferral. Pursuant to that agreement, the parties will continue to confer regarding challenges to  
 26 JCCP\_MDL\_PRIVLOG092013 and JCCP\_MDL\_PRIVLOG079449. Plaintiffs agreed to withdraw their  
 27 challenges to the following seven documents pursuant to that agreement: JCCP\_MDL\_PRIVLOG089113,  
 28 JCCP\_MDL\_PRIVLOG089114, JCCP\_MDL\_PRIVLOG089115, JCCP\_MDL\_PRIVLOG085521,  
 JCCP\_MDL\_PRIVLOG085522, JCCP\_MDL\_PRIVLOG084615, and JCCP\_MDL\_PRIVLOG092021.

<sup>2</sup> As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed  
 documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-  
 parties present in its privilege log. Defense counsel will also be available for any questions the Special Master  
 may have during the review process.

(“Opinion work product, including the mental impressions, conclusions, opinions, or legal theories of an attorney, is entitled to nearly absolute protection.”).

***Safety Features Developed in Partnership with Uber In-House Counsel***

Likewise, Uber’s in-house counsel’s analysis and advice is reflected in several documents regarding certain safety features that were viewed as particularly complex from a legal perspective. *See, e.g.,* JCCP\_MDL\_PRIVLOG086838, JCCP\_MDL\_PRIVLOG083140, and JCCP\_MDL\_PRIVLOG086886. Declarations from Mr. Kolta and Scott Binnings, Uber’s Associate General Counsel, Safety and Core Services, provide further context regarding the safety features developed at Uber in partnership and with legal analysis from Uber’s in-house counsel. *See, e.g.,* Apr. 21, 2025 Declaration of Daniel Kolta (provided to the Special Master *ex parte* on April 21, 2025) and June 2, 2025 Declaration of Scott Binnings (Dkt. 3141-1). Their legal analysis should be protected.

The remaining privilege claims submitted for the Special Master’s determination should be upheld.

DATED: June 11, 2025

Respectfully submitted,

**SHOOK HARDY & BACON L.L.P.**

By: /s/ Maria Salcedo  
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